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5th AFB due 11/1/17

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Certiorari to Charleston County

J.C. Buddy Nicholson, Circuit Court Judge

RECEIVED

NOV 01 2017

SC Court of Appeals

RESPONDENT,

THE STATE,

V.

JOHN ANDREW BIGGS,

APPELLANT

APPELLATE CASE NO. 2017-000199

MOTION FOR AN EXTENSION OF TIME
IN WHICH TO FILE THE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

Counsel for John Andrew Biggs respectfully requests a **final extension of thirty (30) days, until December 1, 2017**, in which to file the Initial Brief of Appellant and Designation of Matter in this case. **Counsel will make every effort to file the Initial Brief of Appellant and Designation of Matter before the deadline if possible.** This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter are due to be filed with the Court today. The Court has granted counsel four previous extensions.

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2. Counsel for John Andrew Biggs respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

3. Counsel is preparing the transcripts and logistics for the Appellate Practice Project for CLE on Thursday, November 30, 2017. Counsel is preparing for oral argument in the case of The State v. Christina Reece that will be argued Monday, November 6, 2017, with this Court. Counsel is also preparing for oral argument in the case of The State v. Elias James Walker that will be argued Wednesday, November 15, 2017, with the Supreme Court. Counsel, along with co-counsel, David Alexander, filed the petition for writ of certiorari to the Supreme Court of the United States in the death penalty case of The State v. Ricky Lee Blackwell on October 27, 2017. Counsel filed the initial brief of appellant and designation of matter in the murder case of The State v. Deshanndon Markelle Franks with this Court on October 13, 2017. Counsel prepared a CLE presentation on the case law update for the Public Defender Convention in Myrtle Beach, South Carolina for September 25, 2017. Counsel also prepared two presentations for the Post-Conviction Relief workshop that was held on Friday, September 29, 2017 at the office of the Commission on Indigent Defense. Counsel filed the return to petition for writ of certiorari to the Court of Appeals in the case of The State v. Shannon Scott with the Supreme Court September 21, 2017. Counsel filed the brief of petitioner in the case of The State v. James Scott Cross with the Supreme Court on September 15, 2017. Counsel filed the petition for rehearing in the case of The State v. Robert Lee Moore with this Court on September 14, 2017. Counsel filed the petition for writ of certiorari in the case of Alfonzo J. Howard v. The State with the Supreme Court on September 8, 2017. Counsel filed the initial brief of appellant and designation of

matter in the case of The State v. Edward Primo Bonilla with this Court on September 1, 2017.

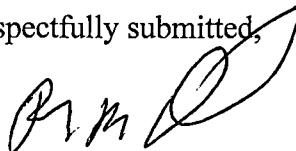
Counsel has extensive administrative duties as the Chief Appellate Defender.

4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

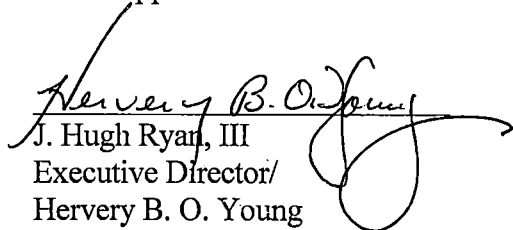
5. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **thirty (30) day extension until December 1, 2017**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



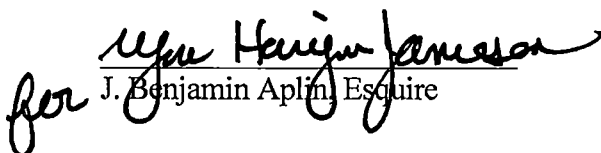
Robert M. Dudek
Chief Appellate Defender



J. Hugh Ryan, III
Executive Director/
Hervery B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training
Director

This 1st day of November 2017.

I consent:


for J. Benjamin Aplim, Esquire